

# ***Disability Advocates Advancing our Healthcare Rights***

September 15, 2014

Attorney General Martha Coakley  
Attn: Antitrust Division  
Office of Attorney General  
One Ashbuton Place, 18th Floor  
Boston, MA 02108

RE: Proposed Settlement of Partners HealthCare's acquisition of hospitals

Dear Attorney General Coakley:

Disability Advocates Advancing our Healthcare Rights (DAAHR) is writing in response to the proposed settlement concerning Partners HealthCare's planned acquisition of South Shore Hospital and hospitals owned by Hallmark Health. We believe these transactions could limit options of care for people with disabilities and seniors and therefore ask for your consideration of this concern as you consider next steps regarding the proposed acquisition. DAAHR is specifically concerned about the impact of the acquisition on consumer choice and access to services, particularly dual eligible consumers with both Medicaid and Medicare eligible for enrollment in the state's new "One Care" demonstration and the state's Senior Care Options program.

DAAHR is a partnership between the Disability Policy Consortium (DPC) and the Boston Center for Independent Living (BCIL), formed after the state of Massachusetts announced its intention in February 2011, under provisions of the Affordable Care Act, to operate a demonstration program for people with disabilities, ages 21-64, on both Medicaid and Medicare. We are a coalition of over 25 disability advocacy groups, legal services agencies, senior groups, and healthcare advocacy organizations with the goal of ensuring that consumer involvement helps drive the design and implementation of the demonstration in a manner that optimizes the quality of medical and long term services and supports available to people with disabilities.

In Massachusetts, there are approximately 90,000 people eligible for the "One Care" demonstration in the state that began on October 1, 2013. Potential enrollees have both Medicaid and Medicare and are between the ages of 21 and 64. As of September 1 of this year approximately 17,500 people are enrolled in the program. These consumers have some of the most complex behavioral and physical health needs in the state, using high levels of both medical and long-term services and supports (LTSS). While comprising only 15% of Medicaid enrollees, they account for 39% of total Medicaid spending nationally. Similarly, they represent 21% of Medicare enrollees, but account for 36% of total Medicare expenditures.

The One Care initiative can uniquely benefit people with disabilities. As noted by the state, One Care can:

- *Makes it easier for beneficiaries to receive the full set of services provided by MassHealth and Medicare;*
- *Provides care coordination to help integrate physical, behavioral health and Long-Term Service and Supports;*
- *Has a Care Coordinator who works with enrollees to create a comprehensive person-centered care plan;*
- *Offers a more person-centered array of LTSS than available in the fee-for-service system; and*
- *May also provide a range of recovery-based community mental health and behavioral health services.*

Of concern to present or potential One Care enrollees is that Partners primary care physician networks, already broad in scope, have not accepted One Care enrollees. While our discussions on this situation with Partners, as well as those of an affected One Care plan, have produced positive efforts for this to change, we hope that your office can support Partners participation in One Care. People with disabilities with complex care and service needs, often significantly underserved, should not be denied access to the broad array of medical and rehabilitation care offered by Partners because they are enrolled in One Care; or be denied the unique benefits One Care offers should they wish to retain Partners for their primary care.

In addition to the exclusion of One Care, we are also concerned because Partners has not accepted individuals enrolled in the Senior Care Options program, for which there are over 60,000 potential enrollees. SCO provides residents of Massachusetts over the age of 65 on Medicaid and Medicare with services that include, according to the state, but are not limited to:

- *All of the services reimbursable under Medicare and MassHealth through a senior care organization and its network of providers;*
- *Quality health care that combines health services with social support services;*
- *Coordinated care and specialized geriatric support services, along with respite care for families and caregivers; BS*
- *24-hour access to care and active involvement in decisions about their health care.*

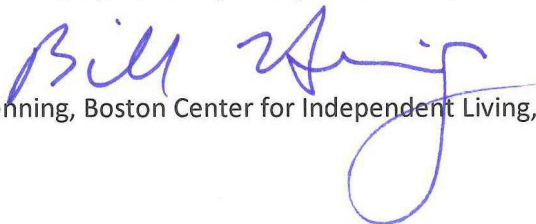
At this time DAAHR and one of the SCO plans also are engaged in positive discussions with Partners to seek its participation in SCO. We ask that your office also support Partners participation in SCO as you consider next steps in the settlement.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Dennis Heaphy". The signature is written in a cursive style with a horizontal line underlining the last name.

Dennis Heaphy, Disability Policy Consortium, One Care enrollee, DAAHR co-chair

A handwritten signature in blue ink that reads "Bill Henning". The signature is written in a cursive style with a large, looping flourish at the end of the last name.

Bill Henning, Boston Center for Independent Living, DAAHR co-chair